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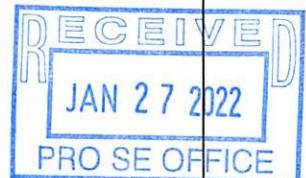
BROOKLYN OFFICE

SP-1/28/22

UNITED STATES COURT FOR THE
EASTERN DISTRICT OF NEW YORK

LUCIO CELLI,
Appellant/Petitioner/Defendant,
vs.
United States of America,
Appellee/Respondent/Plaintiff

Case No.: 19-cr-00127
MOTION TO JUDGE ENGELMAYER TO HAVE A
DIFFERENT JUDGE HOLD A HEARING BECAUSE HE
ALLOWED MR. SILVERMAN TO LIE ABOUT THRID-
PARTY WITNESSES, WHICH IS A CRIME AND THIS IS
A MOTION UNDER RULE 60



Dear Judge Engelmayer,

I make this application pursuant to rule 60, which is Fraud Upon the Court by Mr. Silverman. Mr. Silverman knowingly lied to Judge Engelmayer on April 16, 2021, because we never spoke about witnesses and the only third-party witness, we spoke about was Mr. Geyh. Mr. Silverman alluded to the people in the address line as "third-party witnesses" but they are primary witnesses and I told me that even the DOJ told me and provided me with case law for primary witnesses.

Please Take Notice, Judge Engelmayer, even after being told, ignored the misconduct of Mr. Silverman

Please Take FURTHER Notice, Judge Engelmayer DID NOT need me to tell him that Mr. Silverman lied to him about third-party witnesses because the judge received my emails, like Sen. Schumer

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1 At the day of the ex parte conference Your Honor and Mr.
2 Silverman planned to hide what Mr. Silverman wrote to you
3 because I could tell you that he lied at the hearing itself. I
4 received the letter afterwards, like two months later and Your
5 Honor received a letter but never answered. Your Honor conspired
6 to hide Mr. Silverman misconduct and crime from the world
because Randi Weingarten paid you.

7

8 **Please Take Notice**, Mr. Silverman lack candor when he said that
9 I wanted to call 100 third-party witnesses.

10

11 **Please Take FURTHER Notice**, Mr. Silverman and I only spoke about
12 Mr. Geyh being a third-party witness and I told Mr. Silverman
13 that he is conflating primary witnesses with third-party
14 witness, like Your Honor who did not acknowledge know facts
15 because Your Honor used them to intimidate me and Randi coached
you

16 **Please Take EVEN Further Notice**, it is a crime to impede primary
17 witnesses from testifying, which is what Mr. Silverman was doing ^{did}
when he wrote that letter to you.

18

19 **Constitutional rights:**

- 20 1. Washington v. Texas, 388 U.S. 14, 19 (1967) (extending the Sixth Amendment right of
a defendant to present witnesses to the states)
- 21 2. Crane v. Kentucky, 476 U.S. 683, 690 (1986), In *Crane*, the Court reasoned, "[w]hether
rooted directly in the Due Process Clause of the Fourteenth Amendment or in the
Compulsory Process or Confrontation Clauses of the Sixth Amendment, the Constitution
guarantees criminal defendants 'a meaningful opportunity to present a complete
defense.'" 476 U.S. at 690 (quoting California v. Trombetta, 467 U.S. 479,485 (1984)).

22

23 **Criminal cases about impeding someone from testifying**

- 24 1. The 2d Cir. found that the right to testify as a witness in a federal proceeding and
"attaches at the time such a person is possessed of evidence sufficient to create the
potential information of becoming a federal witness." See US
v. Harvey, 526 F.2d 529, 535 n.6 (2d. Cir. 1975)..

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28 MOTION TO JUDGE ENGELMAYER TO HAVE A DIFFERENT JUDGE HOLD A HEARING BECAUSE HE
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Then, these are the items that I spoke about with 1st Department, which I already wrote to you about

1. Neglect of numerous legal matters, engaging in misleading and deceiving conduct, and engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation, together with failure to answer the petition or appear on petitioner's motion for a default judgment, evincing disregard for fate as an attorney, warrant disbarment. *In re Wheatley* (3 Dept. 2002) 297 A.D.2d 872, 747 N.Y.S.2d 853.
 2. Neglecting legal matters and abandoning clients warrants suspension for one year and until further order, regardless of statements in mitigation concerning illness and divorce. *Matter of Whitbread* (4 Dept. 1992) 183 A.D.2d 347, 591 N.Y.S.2d 117

I. Fraud Upon the Court

Your Honor was not a neutral arbiter as required by the Due Process Clause of the 5th and 14th Amendment. According to the 2d. Cir., "fraud on the court will, most often, be found where the fraudulent scheme defrauds the "judicial machinery" or is perpetrated by an officer of the court such that they cannot perform its function as a neutral arbiter of justice. See *Martina Theatres Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 789, 801 (2d. Cir. 1980)

Your Honor fixed your mouth to say, "you will not receive justice here" because Randi paid you to intimidate me into a guilty.

Your Honor disrepute whent you allowed Mr. Silverman to lie about the third-party witnesses and primary witnesses because Your Honor received my emails and Randi paid you, which also shows your collusion with him because I have AUSAs saying it is a crime to impede a primary witness from testifying.

MOTION TO JUDGE ENGELMAYER TO HAVE A DIFFERENT JUDGE HOLD A HEARING BECAUSE HE ALLOWED MR. SILVERMAN COMMIT CRIMES AGAINST ME - 3

1 Was it only a bribe that Randi or what it merely influence
2 from Sen. Schumer? Like, I have a right to know since Your
3 Honor intimidated me and took my free will away from me.

4

5 Please Take Notice, in Bracy v. Gramley, 520 US 899 (1977)
6 the judge took an active role hiding facts or ignored them
7 because he was bribed

8 II. From the sealed letter or motion

- 9 1. Mr. Silverman wrote to Your Honor that: Mr. Celli also
10 desires to pursue a trial strategy that involves
11 subpoenaing over 100 third-party witnesses who do not, as
12 far as I am able to discern, have relevant testimony to
offer. He would also like to pursue remedies in mandamus
that, in my view, a lawyer cannot undertake in good faith.
- 13 2. I have all my conversation audio-recorded with Mr.
Silverman, which I sent some to congress and DOJ
- 14 3. Each time I attempted to speak about strategy, he kept
telling me later. If we were to speak about the topics of
15 trial that he mentioned above and then told me why; then I
would have to accept it because a defendant must defer to
16 the lawyer, which you will hear me tell all my lawyers—I
have Supreme Court case that clear states this, but I
17 cannot find them to cite.
- 18 4. We have not spoken about possible witnesses, as Mr.
Silverman always told me, "We'll speak about it later."
- 19 5. I have told him what evidence to subpoena to support my
subjective intent, he said, "we'll speak about it later."
- 20 6. Now, Mr. Silverman is saying, "I am not doing it."
- 21 7. Lastly, Mr. Silverman wrote: "He would also like to pursue
remedies in mandamus that, in my view, a lawyer cannot
undertake in good faith," which is not correct, and we
discussed it because I wrote the cases that I cited to Your
22 Honor were taken from meritorious mandamus. Again, as I
wrote above and in the letters to Your Honor, I told Mr.
23 Silverman that I took those cases from winning mandamus

25 In response to my letters and audio recordings to the DOJ and
26 congress, they provided me with letters, that goes along with
27 verbal answers that I received from the DOJ, which was I

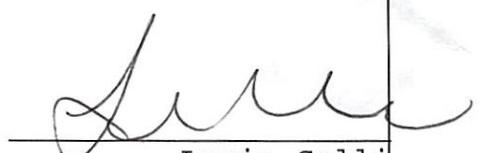
28 MOTION TO JUDGE ENGELMAYER TO HAVE A DIFFERENT JUDGE HOLD A HEARING BECAUSE HE
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1 received ineffective assistant of counsel. Your Honor brought
2 disrepute to your office by ignoring the facts because Randi
3 Weingarten paid you, as you lie to me by saying, "Mr. Silverman
4 is a fine lawyer."

5 Let it be known, I did not have a problem with Your Honor
6 saying, "I prefer a lawyer who knows Mr. Celli..."¹ because it
7 makes perfect sense, but Your Honor truly wants a lawyer who
8 will deprive me of all rights granted by the constitution, which
9 personnel also said. DOJ

10 But, I truly want to know how much Randi paid you to ignore
11 facts like Judge Marrero? Like I have over 80 DOJ personnel with
12 the 1st Depart and now letters from the DOJ saying how
13 ineffective my lawyers in general were, but the papers focused
14 mostly on Mr. Silverman a few audio recordings.

15 Your Honor brought your office into disrepute, obviously,
16 when you took a bribe from Randi Weingarten because you deprived
17 me of my free will and intent that dealt with her. I know Your
18 Honor sleeps well because you have no concept of integrity and
19 Justice Marshall is turning in his grave because he now knows
20 that he made the wrong choice by allowing you to clerk for him—
21 but one would have to truly believe in this concept and I do not
22 so let's turn it into "if Justice Marshall were alive..."



Lucio Celli

December 30, 2021

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28 ¹ I do not remember the rest
MOTION TO JUDGE ENGELMAYER TO HAVE A DIFFERENT JUDGE HOLD A HEARING BECAUSE HE
ALLOWED MR. SILVERMAN COMMIT CRIMES AGAINST ME - 5

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5 Dated this 30th of December, 2021.
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13 Lucio Celli, Defendant
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MOTION TO JUDGE ENGELMAYER TO HAVE A DIFFERENT JUDGE HOLD A HEARING BECAUSE HE
ALLOWED MR. SILVERMAN COMMIT CRIMES AGAINST ME - 6